

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHRISTOPHER L. LOHR, JR.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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Case No. 07-12474  
Honorable Patrick J. Duggan

**OPINION AND ORDER**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on May 13, 2008.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

On June 8, 2007, Plaintiff filed this lawsuit challenging a final decision of the Commissioner denying Plaintiff's application for Disability Insurance Benefits and Supplemental Social Security Income. On September 27, 2007, Plaintiff filed a motion for summary judgment. On October 25, 2007, Defendant filed a motion for summary judgment. This Court referred both motions to Magistrate Judge R. Steven Whalen.

On March 31, 2008, Magistrate Judge Whalen filed his Report and Recommendation (R&R) recommending that this Court deny Defendant's motion for summary judgment and grant Plaintiff's motion to the extent Plaintiff seeks a remand to the Commissioner for further fact-finding. At the conclusion of the R&R, Magistrate

Judge Whalen advises the parties that they may object and seek review of the R&R within ten days of service upon them. (R&R at 16-17.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*, citing *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6<sup>th</sup> Cir. 1991); and *United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981)). Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Whalen. Accordingly,

**IT IS ORDERED**, that Plaintiff’s motion for summary judgment is **GRANTED** to the extent Plaintiff requests a remand to the Commissioner;

**IT IS FURTHER ORDERED**, that Defendant’s motion for summary judgment is **DENIED**;

**IT IS FURTHER ORDERED**, that this matter is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for proceedings consistent with Magistrate Judge Whalen’s R&R.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
Lewis M. Seward, Esq..  
AUSA James A. Brunson  
Magistrate Judge R. Steven Whalen